

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JACKIE L. AARON,

Plaintiff,

VS.

LARRY PHILLIPS, *et al.*,

Defendants.

Civil Action No. CV 06-S-859-NE


MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 3, 2006, recommending that this action be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The plaintiff filed objections to the report and recommendation on August 8, August 9, and August 16, 2006. In his objections, the plaintiff states that “he came to [the] conclusion [that] conspiracy was involved,” (doc. no. 11, at 3). However, a plaintiff’s “naked assertion” of conspiracy without “supporting operative facts” is not sufficient to state a claim under either § 1983 or § 1985. *See Phillips v. Mashburn*, 746 F.2d 782 (11th Cir. 1984).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate's report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be, and it hereby

is, ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). A Final Judgment will be entered.

DONE this 29th day of August, 2006.



United States District Judge